

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Beckley Division**

BELLWOOD CORP.,
GREENBRIER HOTEL CORP.,
GREENBRIER GOLF AND TENNIS CLUB
CORP.,
GREENBRIER MEDICAL INSTITUTE, LLC,
THE GREENBRIER SPORTING CLUB
DEVELOPMENT COMPANY, INC.,
THE GREENBRIER SPORTING CLUB, INC.,
JUSTICE FAMILY GROUP, LLC,
JAMES C. JUSTICE COMPANIES, INC.
JUSTICE FARMS OF NORTH CAROLINA,
LLC,
JUSTICE LOW SEAM MINING, INC.,
OAKHURST CLUB, LLC,
TAMS MANAGEMENT, INC.
TRIPLE J PROPERTIES LLC,
JAMES C. JUSTICE II,
CATHY L. JUSTICE, AND
JAMES C. JUSTICE III

Civil Action No. 5:21-cv-00320

Plaintiffs,

v.

CARTER BANK & TRUST, et al.

Defendants.

**DIRECTOR DEFENDANTS' MOTION TO DISMISS THE COMPLAINT PURSUANT
TO RULE 12(B)(2) FOR LACK OF PERSONAL JURISDICTION**

Defendants Michael R. Bird, Kevin S. Bloomfield, Robert M. Bolton, Robert W. Conner, Gregory W. Feldmann, Chester A. Gallimore, Charles E. Hall,¹ James W. Haskins, Phyllis Q. Karavataxis, Lanny A. Kyle, E. Warren Matthews, Catharine L. Midkiff, Joseph E. Pigg, Litz H. Van Dyke, and Elizabeth Lester Walsh (the "Director Defendants"), by counsel and pursuant to

¹ Defendant Charles E. Hall passed away after the Complaint was filed and served on him. His position on the Carter Bank Board of Directors has not been filled.

Rule 12(b)(2) of the Federal Rules of Civil Procedure, and Local Rule 7.1(a)(2), move to dismiss Plaintiffs' Complaint for lack of personal jurisdiction. The reasons supporting this Motion are set forth in the accompanying Memorandum in Support and the exhibits attached hereto.

Dated: July 14, 2021

Respectfully submitted,

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FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

BELLWOOD CORP., et al.,

Plaintiffs,

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Civil Action No. 5:21-cv-00320
Honorable Frank W. Volk, Judge

CARTER BANK & TRUST, et al.,

Defendants.

CERTIFICATE OF SERVICE

I, Carrie Goodwin Fenwick, hereby certify that I served a true and correct copy of the foregoing **Director Defendants' Motion to Dismiss The Complaint Pursuant to Rule 12(b)(2) For Lack of Personal Jurisdiction** upon the following counsel of record on July 14, 2021, via the Court's CM/ECF system.

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/s/ Carrie Goodwin Fenwick

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